

JS 44 (Rev. 12/07, NJ 5/08)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

Olcese, Rose Mary

DEFENDANTS

Thomas, Dewey T.

(b) County of Residence of First Listed Plaintiff PassaicCounty of Residence of First Listed Defendant Columbus, Georgia

(c) Attorney's (Firm Name, Address, Telephone Number and Email Address)

Stephanie Mitterhoff, Esq.
Bramnick, Rodriguez et. al.
1827 East Second Street
Scotch Plains, New Jersey 07076

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

Leonard C. Leicht, Esq.
Morgan Melhuish Abrutyn

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
☐ 2 U.S. Government Defendant
☐ 3 Federal Question (U.S. Government Not a Party)
☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- (For Diversity Cases Only)
- | | | | | | |
|---|---|--------------------------------|---|--------------------------------|---|
| Citizen of This State | PTF <input checked="" type="checkbox"/> 1 | DEF <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | PTF <input type="checkbox"/> 4 | DEF <input checked="" type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input checked="" type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition		

V. ORIGIN

(Place an "X" in One Box Only)

- ☐ 1 Original Proceeding
☒ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from another district (specify)
☐ 6 Multidistrict Litigation
☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTIONCite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
Diversity 28 U.S.C. 1332Brief description of cause:
Motor Vehicle Accident**VII. REQUESTED IN COMPLAINT:**☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No**VIII. RELATED CASE(S)**

(See instructions):

JUDGE

DOCKET NUMBER

Explanation:

DATE

12/1/09

SIGNATURE OF ATTORNEY OF RECORD

MORGAN MELHUIISH ABRUTYN

651 West Mount Pleasant Avenue, Suite 200
Livingston, New Jersey 07039
Telephone: (973) 994-2500
Facsimile: (973) 994-3375
E-mail: lleicht@morganlawfirm.com
Attorneys for Defendant, Zelenka Nursery
Our File No.: PRH 30-565 U EA/LL

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY
NEWARK, NEW JERSEY**

ROSE MARY OLCESE and JOSEPH
URBANO, in their capacity as
Administrators of the ESTATE OF
SALVATOR URBANO AND JEANETTE
URBANO,

Plaintiff(s),

-VS-

DEWEY T. THOMAS, RON CAMPBELL,
CROMATRIE TRANSPORTATION
LINES, ZELENKA NURSERY, CRST
MALONE, INC. JOHN DOE 1-10, ABC
CORP., JANE ROE 1-10 and DEF
CORP., (fictitiously named),

Defendant(s).

Civil Action No.

NOTICE OF REMOVAL

TO: The Honorable Judges of the
United States District Court
For the District of New Jersey

Defendant Zelenka Nursery, (hereinafter "Zelenka") a business entity with
a principal place of business at 3050 South Muskogee Avenue, Tahlequa,
Oklahoma, 74464 by and through his attorneys, Morgan Melhuish Abrutyn, 651

West Mount Pleasant Avenue, Suite 200, Livingston, New Jersey 07039, respectfully request that this matter be removed to United States District Court for the District of New Jersey in Newark, New Jersey, pursuant to 28 U.S.C. Section 1441, because:

1. Zelenka is a Defendant in the above-entitled action commenced in the Superior Court of New Jersey, Law Division, Passaic County under Docket Number PAS-4633-09 ("the State Court Action"). A true and correct copy of the Complaint is attached hereto as Exhibit A.

2. Upon information and belief, plaintiff has not yet achieved service of process on Zelenka, although as counsel, we have received a courtesy copy of the Complaint.

3. Said action is a suit of a civil nature and the amount claimed, exclusive of interest and costs, appears to exceed the sum of \$75,000.00 as it involves multiple fatalities.

4. The United States District Court has original jurisdiction over the subject matter of said civil action under 28 U.S.C. Section 1332(a) in that it is an action wherein the amount in controversy exceeds the sum of \$75,000.00, exclusive of interest and costs, there is complete diversity of citizenship between the Plaintiff and the Defendants, and Zelenka is not a citizen of the State of New Jersey:

- (a) This lawsuit was filed on behalf of two estates. Upon information and belief, each of the decedents were citizens of Passaic County, New Jersey;

- (b) Upon information and belief, at all times relevant to this dispute, Defendant Dewey T. Thomas resided at 5468 Eastbrook Lane, Columbus, Georgia, 31907; and
- (c) Upon information and belief, at all times relevant to this dispute, Defendant Ron Campbell resided at 101 Shoals Point, Eatonton, Georgia, 31024, and
- (d) Defendant Cromartie Transportation Lines is a business entity with a principal place of business located at 568 Lummus Avenue, Austell, Georgia, 30168.
- (e) CRST Malone, Inc. is a business entity with a principal place of business located at 1901 Floyd Bradford Road, Trussville, Alabama, 35173.

5. Said action is one of which the District Court of the United States is given original jurisdiction.

6. The time for filing the Notice for Removal under 28 U.S.C. Section 1446 has not expired as this notice is being filed within 30 days of the defendant being notified of the lawsuit, and prior to plaintiff actually serving the defendant with process.

7. Defendant has not yet filed an Answer to the State Court Action.

8. Upon the filing of this Notice, Defendant will give written notice thereof to Plaintiff's attorney, co-defendants and will file copies of this Notice with the Clerk of the Superior Court of Essex County as provided by law.

WHEREFORE, Defendant pray that this case be removed from the

Superior Court of New Jersey, Law Division, Passaic County, to this Court and proceed in this Court as an action properly removed thereto.

MORGAN MELHUISE ABRUTYN

Attorneys for Defendant
Zelenka Nursery, LLC.



LEONARD C. LEICHT, ESQ.

Dated: December 1, 2009

EXHIBIT A

BRAMNICK, RODRIGUEZ, MITTERHOFF,
GRABAS & WOODRUFF, LLC
1827 EAST SECOND STREET
SCOTCH PLAINS, NJ 07076
Telephone: (908) 322-7000
Facsimile: (908) 322-6997
Attorney for Plaintiffs

ROSE MARY OLCESE and JOSEPH
URBANO, in their capacity as Administrators
of the ESTATE OF SALVATORE URBANO
AND JEANETTE URBANO,

Plaintiffs,

v.

DEWEY T. THOMAS, RON CAMPBELL,
CROMARTIE TRANSPORTATION LINES,
ZELENKA NURSERY, CRST MALONE,
INC., JOHN DOE 1-10, ABC CORP., JANE
ROE 1-10 and DEF CORP., (fictitiously
named),

Defendants.

RECEIVED & FILED
SUPERIOR COURT OF NEW JERSEY
JAN 28 2010
PASSAIC COUNTY

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: PASSAIC COUNTY

DOCKET NO.: L-24633-09

Civil Action

COMPLAINT AND JURY DEMAND

Plaintiffs, **ROSE MARY OLCESE**, residing at 618 Driftwood Court in the City of
Allen and State of Texas and **JOSEPH URBANO**, residing at 14 Matawan Green Lane in the
Boro of Matawan, County of Monmouth and State of New Jersey, in their capacity as
coadministrators of the **ESTATE OF SALVATORE URBANO AND JEANETTE**
URBANO, by way of complaint state:

FIRST COUNT (Wrongful Death)

1. Plaintiffs are the Administrators of the **ESTATE OF SALVATORE URBANO**
AND JEANETTE URBANO, and the Surrogate of Passaic County issued Plaintiffs letters of
administration on May 6, 2009. A copy of the letters testamentary appointing Plaintiffs as

general administrators of the decedents' estate is attached as Exhibit "A" and is incorporated into this complaint by this reference.

2. That on or about April 25, 2009, Plaintiffs' decedent, **JEANETTE URBANO** was lawfully operating a vehicle, known as a 2004 Gray Buick LeSabre with license plate number YEP18S and registered in the State of New Jersey, on the New Jersey Turnpike South at or about Mile Post 35.

3. That on or about April 25, 2009, Plaintiffs' decedent, **SALVATORE URBANO**, was a passenger in the vehicle operated by his wife, Jeanette Urbano, known as a 2004 Gray Buick LeSabre with license plate number YEP18S and registered in the State of New Jersey, on the New Jersey Turnpike South at or about Mile Post 35.

4. That on or about April 25, 2009, the Defendant, **DEWEY T. THOMAS**, owned and negligently maintained and operated a motor vehicle known as a 2000 White Freightliner Tractor with license plate number H9402345 and registered in the State of Georgia, on the New Jersey Turnpike South at or about Mile Post 35.

5. That on or about April 25, 2009, the Defendant, **RON CAMPBELL**, owned and negligently maintained and operated a motor vehicle known as a 2000 White Freightliner Tractor with license plate number H9402345 and registered in the State of Georgia, on the New Jersey Turnpike South at or about Mile Post 35.

6. That on or about April 25, 2009, the Defendant, **CROMARTIE TRANSPORTATION LINES**, owned and negligently maintained a motor vehicle known as a 2000 White Freightliner Tractor with license plate number H9402345 and registered in the State of Georgia, on the New Jersey Turnpike South at or about Mile Post 35.

7. That on or about April 25, 2009, the Defendant, **CRST MALONE, INC.**, owned and negligently maintained and operated a motor vehicle known as a 2000 White Freightliner Tractor with license plate number H9402345 and registered in the State of Georgia, on the New Jersey Turnpike South at or about Mile Post 35.

8. That on or about April 25, 2009, the Defendant, **ZELENSKA NURSERY**, owned and negligently maintained a trailer known as a 2005 White Trailer with license plate number 3933FC and registered in the State of Oklahoma, on the New Jersey Turnpike South at or about Mile Post 35.

9. That on or about April 25, 2009, the Defendants, **JOHN DOE 1-10 and ABC CORP. 1-10**, fictitious entities, negligently owned maintained and/or improperly operated the aforementioned vehicles on New Jersey Turnpike South at or about Mile Post 35.

10. That at the time of the accident, Defendant, **DEWEY T. THOMAS**, was operating the aforementioned tractor and trailer as the agent, servant or employee of defendants, **CROMARTIE TRANSPORTATION LINES, RON CAMPBELL, ZELENSKA NURSERY AND CRST MALONE, INC.**

11. That at the time of the accident, Defendant, **DEWEY T. THOMAS**, was operating the aforementioned vehicles as the agent, servant or employee of defendants, **JANE ROES 1-10 and DEF CORP. 1-10**, fictitious entities.

12. That on April 25, 2009, an accident was caused to occur on the New Jersey Turnpike South at or about Mile Post 35, between the aforementioned vehicles owned and operated by Defendants, **DEWEY T. THOMAS, RON CAMPBELL, CROMARTIE TRANSPORTATION LINES, ZELENSKA NURSERY and CRST MALONE, INC.**

13. That on April 25, 2009, an accident was caused to occurred on the New Jersey Turnpike South near Mile Post 35, between the aforementioned vehicles owned and operated by Defendants, **JOHN DOES 1-10, ABC CORP. 1-10, JANE ROES 1-10 AND DEF CORP. 1-10**, fictitious entities.

14. That the aforementioned accident occurred wholly and solely as a result of the negligence of the Defendants in their ownership, operation, maintenance and control of the tractor and trailer.

15. As a direct and proximate result of said accident, plaintiffs' decedents, **SALVATORE URBANO AND JEANETTE URBANO**, sustained severe and fatal bodily injuries that caused their deaths on April 25, 2009.

16. Plaintiffs' decedents are survived by their children, **ROSE MARY OLCESE AND JOSEPH URBANO**, and by reason for the wrongful death of Plaintiffs' decedents, decedents' survivors have suffered pecuniary loss.

17. At all relevant times set forth herein, there was in full force and effect in the State of New Jersey, a Wrongful Death Statute, pursuant to N.J.S.A. 2A:31-1, et seq., and Plaintiffs bring this action pursuant to the provisions of the Act for the benefit of decedents' next of kin.

18. This action is commenced within two years of the happening of the accident and the death of plaintiffs' decedents.

WHEREFORE, Plaintiffs, **ROSE MARY OLCESE AND JOSEPH URBANO**, as Administrators of the **ESTATE OF SALVATORE URBANO AND JEANETTE URBANO**, demand judgment against the Defendants for said sums that would reasonably and properly compensate them in accordance with the laws of the State of New Jersey together with interest and court costs.

26. Defendants' negligence in their hiring, supervision and training of Defendant, **DEWEY THOMAS**, was a proximate cause of the accident and the resultant fatal injuries to decedents, **SALVATORE URBANO AND JEANETTE URBANO**.

27. WHEREFORE, Plaintiffs, **ROSE MARY OLCESE AND JOSEPH URBANO**, as Administrators of the **ESTATE OF SALVATORE URBANO AND JEANETTE URBANO**, demand judgment against the Defendants for said sums that would reasonably and properly compensate them in accordance with the laws of the State of New Jersey together with interest and court costs.

FOURTH COUNT (Punitive Damages)

28. Plaintiffs repeat, reiterate and reallege every allegation made in the First, Second and Third Counts as if those allegations were set out at length herein.

29. The conduct of the Defendants, **DEWEY T. THOMAS, CROMARTIE TRANSPORTATION LINES, CRST MALONE, INC., RON CAMPBELL, AND ZELENSKA NURSERY**, in their negligent operation, ownership maintenance and control of the tractor and trailer was accompanied by a wanton and willful disregard of persons who foreseeably might be harmed by that conduct.

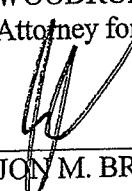
30. The conduct of the Defendants, **CROMARTIE TRANSPORTATION LINES, CRST MALONE, INC., RON CAMPBELL, AND ZELENSKA NURSERY**, in their negligent hiring, retention and supervision of Dewey Thomas was accompanied by a wanton and willful disregard of persons who foreseeably might be harmed by that conduct.

31. As a direct and proximate result of said accident, the Plaintiffs' decedents, **SALVATORE URBANO AND JEANETTE URBANO**, sustained bodily injuries that caused their death on April 25, 2009.

32. **WHEREFORE**, based upon the foregoing, the Plaintiffs' decedents, **SALVATORE URBANO AND JEANETTE URBANO**, demand judgment against the Defendants for punitive damages in accordance with N.J.S.A. 2A:15-5.9 et seq. together with interest and court costs.

Dated: October 21, 2009

BRAMNICK, RODRIGUEZ,
MITTERHOFF, GRABAS &
WOODRUFF
Attorney for Plaintiff


BY:  JON M. BRAMNICK

JURY DEMAND

Plaintiff hereby demands as trial by jury as to all issues in this matter as permitted by law.

Dated: October 21, 2009

BRAMNICK, RODRIGUEZ,
MITTERHOFF, GRABAS &
WOODRUFF
Attorney for Plaintiff

BY:  JON M. BRAMNICK

DESIGNATION OF TRIAL ATTORNEY

In accordance with R. 4:25-4, JON M. BRAMNICK, ESQ., is named as the Designated Trial Attorney for this matter.


CERTIFICATION

JON M. BRAMNICK, ESQ., attorney for the Plaintiff, certifies:


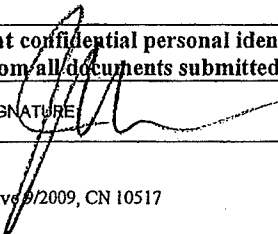
1. The matter in controversy is not the subject of any other action pending in any other action pending in any court and is not the subject of a pending arbitration proceeding.
2. No other action or arbitration proceeding is contemplated.
3. There is no other party who should be joined in this action to my knowledge as of the present time.

Dated: October 21, 2009

BRAMNICK, RODRIGUEZ,
MITTERHOFF, GRABAS &
WOODRUFF
Attorney for Plaintiff

BY: _____
JON M. BRAMNICK

Appendix XII-B1

 CIVIL CASE INFORMATION STATEMENT (CIS)		FOR USE BY CLERK'S OFFICE ONLY
Use for initial Law Division Civil Part pleadings (not motions) under Rule 4:5-1 Pleading will be rejected for filing, under Rule 1:5-6(c), if information above the black bar is not completed or if attorney's signature is not affixed.		PAYMENT TYPE: <input type="checkbox"/> CK <input type="checkbox"/> CG <input type="checkbox"/> CA CHG/CK NO.: _____ AMOUNT: _____ OVERPAYMENT: _____ BATCH NUMBER: _____
ATTORNEY/PRO SE NAME Jon M. Bramnick, Esq.	TELEPHONE NUMBER (908) 322-7000	COUNTY OF VENUE Passaic
FIRM NAME (If applicable) Bramnick, Rodriguez, Mitterhoff, Grabas & Woodruff, LLC		DOCKET NUMBER (When available) L-4688-09
OFFICE ADDRESS 1827 East Second Street Scotch Plains NJ 07076		DOCUMENT TYPE Complaint
		JURY DEMAND <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
NAME OF PARTY (e.g., John Doe, Plaintiff) Rose Mary Olcese and Joseph Urbano, in their capacity as administrators of the Estate of et als	CAPTION Rose Mary Olcese and Joseph Urbano in their capacity as Administrators of the Estate of Salvatore Urbano and Jeanette Urbano v Dewey Thomas, Cromartie Transportation Lines, Zelenka Nursery, CRST et als	
CASE TYPE NUMBER (See reverse side for listing) 603	IS THIS A PROFESSIONAL MALPRACTICE CASE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YOU HAVE CHECKED "YES," SEE N.J.S.A. 2A:53A-27 AND APPLICABLE CASE LAW REGARDING YOUR OBLIGATION TO FILE AN AFFIDAVIT OF MERIT.	
RELATED CASES PENDING? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	IF YES, LIST DOCKET NUMBERS	
DO YOU ANTICIPATE ADDING ANY PARTIES (arising out of same transaction or occurrence)? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	NAME OF DEFENDANT'S PRIMARY INSURANCE COMPANY, IF KNOWN Commercial Truck & Claim for Cromartie, others <input type="checkbox"/> NONE <input checked="" type="checkbox"/> UNKNOWN	
THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE.		
CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION		
DO PARTIES HAVE A CURRENT, PAST OR RECURRENT RELATIONSHIP? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	IF YES, IS THAT RELATIONSHIP <input type="checkbox"/> EMPLOYER-EMPLOYEE <input type="checkbox"/> FRIEND/NEIGHBOR <input type="checkbox"/> OTHER (explain) <input type="checkbox"/> FAMILIAL <input type="checkbox"/> BUSINESS	
DOES THE STATUTE GOVERNING THIS CASE PROVIDE FOR PAYMENT OF FEES BY THE LOSING PARTY? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		
USE THIS SPACE TO ALERT THE COURT TO ANY SPECIAL CASE CHARACTERISTICS THAT MAY WARRANT INDIVIDUAL MANAGEMENT OR ACCELERATED DISPOSITION:		
<input checked="" type="checkbox"/> DO YOU OR YOUR CLIENT NEED ANY DISABILITY ACCOMMODATIONS? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	IF YES, PLEASE IDENTIFY THE REQUESTED ACCOMMODATION:	
WILL AN INTERPRETER BE NEEDED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YES, FOR WHAT LANGUAGE:		
I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with Rule 1:38-7(b).		
ATTORNEY SIGNATURE 		

SIDE 2

CIVIL CASE INFORMATION STATEMENT (CIS)

Use for initial pleadings (not motions) under *Rule 4:5-1***CASE TYPES** (Choose one and enter number of case type in appropriate space on the reverse side.)**Track I — 150 days' discovery**

- 151 NAME CHANGE
- 175 FORFEITURE
- 302 TENANCY
- 399 REAL PROPERTY (other than Tenancy, Contract, Condemnation, Complex Commercial or Construction)
- 502 BOOK ACCOUNT (debt collection matters only)
- 505 OTHER INSURANCE CLAIM (INCLUDING DECLARATORY JUDGMENT ACTIONS)
- 506 PIP COVERAGE
- 510 UM or UIM CLAIM
- 511 ACTION ON NEGOTIABLE INSTRUMENT
- 512 LEMON LAW
- 801 SUMMARY ACTION
- 802 OPEN PUBLIC RECORDS ACT (SUMMARY ACTION)
- 999 OTHER (Briefly describe nature of action)

Track II — 300 days' discovery

- 305 CONSTRUCTION
- 509 EMPLOYMENT (other than CEPA or LAD)
- 599 CONTRACT/COMMERCIAL TRANSACTION
- 603 AUTO NEGLIGENCE – PERSONAL INJURY
- 605 PERSONAL INJURY
- 610 AUTO NEGLIGENCE – PROPERTY DAMAGE
- 699 TORT – OTHER

Track III — 450 days' discovery

- 005 CIVIL RIGHTS
- 301 CONDEMNATION
- 602 ASSAULT AND BATTERY
- 604 MEDICAL MALPRACTICE
- 606 PRODUCT LIABILITY
- 607 PROFESSIONAL MALPRACTICE
- 608 TOXIC TORT
- 609 DEFAMATION
- 616 WHISTLEBLOWER / CONSCIENTIOUS EMPLOYEE PROTECTION ACT (CEPA) CASES
- 617 INVERSE CONDEMNATION
- 618 LAW AGAINST DISCRIMINATION (LAD) CASES
- 620 FALSE CLAIMS ACT

Track IV — Active Case Management by Individual Judge / 450 days' discovery

- 156 ENVIRONMENTAL/ENVIRONMENTAL COVERAGE LITIGATION
- 303 MT. LAUREL
- 508 COMPLEX COMMERCIAL
- 513 COMPLEX CONSTRUCTION
- 514 INSURANCE FRAUD
- 701 ACTIONS IN LIEU OF PREROGATIVE WRITS

Centrally Managed Litigation (Track IV)

- 280 Zelnorm
- 285 Stryker Trident Hip Implants

Mass Tort (Track IV)

- | | |
|---------------------------------------|--|
| 248 CIBA GEIGY | 279 GADOLINIUM |
| 266 HORMONE REPLACEMENT THERAPY (HRT) | 281 BRISTOL-MYERS SQUIBB ENVIRONMENTAL |
| 271 ACCUTANE | 282 FOSAMAX |
| 272 BEXTRA/CELEBREX | 283 DIGITEK |
| 274 RISPERDAL/SEROQUEL/ZYPREXA | 284 NUVARING |
| 275 ORTHO EVRA | 286 LEVAQUIN |
| 277 MAHWAH TOXIC DUMP SITE | 601 ASBESTOS |
| 278 ZOMETA/AREXIA | 619 VIOXX |

If you believe this case requires a track other than that provided above, please indicate the reason on Side 1, in the space under "Case Characteristics."

Please check off each applicable category:

☐ Verbal Threshold☐ Putative Class Action☐ Title 59

PASSAIC SUPERIOR COURT
PASSAIC COUNTY COURTHOUSE
77 HAMILTON STREET
PATERSON NJ 07505

TRACK ASSIGNMENT NOTICE

COURT TELEPHONE NO. (973) 247-8183
COURT HOURS

DATE: OCTOBER 30, 2009
RE: OLCESE VS THOMAS
DOCKET: PAS L -004633 09

THE ABOVE CASE HAS BEEN ASSIGNED TO: TRACK 2.

DISCOVERY IS 300 DAYS AND RUNS FROM THE FIRST ANSWER OR 90 DAYS
FROM SERVICE ON THE FIRST DEFENDANT, WHICHEVER COMES FIRST.

THE PRETRIAL JUDGE ASSIGNED IS: HON ANTHONY J. GRAZIANO

IF YOU HAVE ANY QUESTIONS, CONTACT TEAM 002
AT: (973) 247-8171.

IF YOU BELIEVE THAT THE TRACK IS INAPPROPRIATE YOU MUST FILE A
CERTIFICATION OF GOOD CAUSE WITHIN 30 DAYS OF THE FILING OF YOUR PLEADING.
PLAINTIFF MUST SERVE COPIES OF THIS FORM ON ALL OTHER PARTIES IN ACCORDANCE
WITH R.4:5A-2.

ATTENTION:

ATT: JON M. BRANMICK
BRANMICK RODRIGUEZ M G & W, LLC
1827 EAST SECOND STREET
SCOTCH PLAINS NJ 07076

JUKIS